

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	Examiner: T. NGUYEN
R. HENDRIKS)	
)	Art Unit: 2877
Serial No.: 10/539,193)	
)	Confirmation: 2331
Filed: December 19, 2005)	
)	
For: OPTICAL ANALYSIS)	
SYSTEM)	
)	
Date of Last Office Action:)	
January 25, 2007)	
)	
Attorney Docket No.:)	Cleveland, OH 44114
PHNL021369US/ PKRZ 2 01153)	April 18, 2007

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 CFR 1.321(b))**

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Identification Of Person(s) Making This Disclaimer

Name(s) of disclaimant: Thomas M. Lundin of PHILIPS MEDICAL SYSTEMS
(CLEVELAND), INC., PHILIPS INTELLECTUAL PROPERTY & STANDARDS
of 595 Miner Road, Cleveland, OH 44143 represents that I am a representative
authorized to sign on behalf of the assignee identified below.

Name of Assignee: KONINKLIJKE PHILIPS ELECTRONICS, N.V.
Address of Assignee: GROENEWOUDSEWEG 1
EINDHOVEN, NETHERLANDS 5621

CERTIFICATE OF ELECTRONIC TRANSMISSION

I certify that this TERMINAL DISCLAIMER and accompanying documents in connection with U.S. Serial No. 10/539,193 are being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

April 23, 2007
Date

Patricia A. Heim
Patricia A. Heim

Title of disclaimant: Registered Attorney for Assignee authorized to sign on behalf of Assignee.

Recordal of Assignment in PTO

An Assignment was recorded on April 18, 2007, Reel 019177
Frame 0552.

Extent of Interest

The extent of the interest is in the whole of the invention

I state that the relevant evidentiary documents have been reviewed, and certify that to the best of my knowledge and belief, title is in the assignee taking this action.

Disclaimer

I hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of

any patent issuing on U.S. Application Serial No. 10/539,540;
and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to:

any patent issuing on U.S. Application Serial No. 10/539,540;
this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

In making the above disclaimer, the Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of:

any patent issuing on U.S. Application Serial No. 10/539,540;
as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held

unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

FEE PAYMENT

Payment of the terminal disclaimer fee under 37 CFR 1.20(d) and 37 CFR 1.321 in the amount of \$ 130.00 is authorized to be charged Deposit Account No. 14-1270.

Please charge Deposit Account No. 14-1270 for any fee deficiency required by this paper.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

PHILIPS MEDICAL SYSTEMS
(CLEVELAND), INC.

PHILIPS INTELLECTUAL
PROPERTY & STANDARDS

/Thomas M. Lundin/
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